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2 *E-filed 3/28/08*
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NOT FOR CITATION

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 MEMRY CORPORATION,

Case No. C04-03843 RMW (HRL)

12 Plaintiff,

13 v.

14 KENTUCKY OIL TECHNOLOGY, N.V.,
15 PETER BESSELINK, MEMORY METALS
HOLLAND, B.V.,

16 Defendants.

**ORDER ON MOTIONS TO FILE
DOCUMENTS UNDER SEAL**

17
18 Re: Docket Nos. 232, 277, 395, 405, 498,
505, and 536

19 KENTUCKY OIL TECHNOLOGY, N.V.,

20 Counterclaimant,

21 v.

22 MEMRY CORPORATION and
SCHLUMBERGER TECHNOLOGY
CORPORATION,

23 Counterdefendants.

24 /
25 Pursuant to Local Rule 79-5 and 7-11, both parties moved to file certain documents
26 under seal. The original motions did not contain the proper supporting declarations and the
27 parties were ordered to show cause why those documents should not be made part of the public
28 record. Based on the parties' responses, the court orders as follows:

1 Motion to File Under Seal: Docket No. 232

2 Counter-defendant Schlumberger Technology Corporation (STC) moved to file
3 confidential exhibits to Docket No. 237 under seal.

4 Defendant Kentucky Oil Technology (KOT) withdrew its confidentiality designation as
5 to Exhibits A, C, and D of Docket No. 237. These documents were then resubmitted
6 electronically by KOT. However, as for Exhibit B to Docket No. 237, KOT has shown good
7 cause for filing under seal. Non-Party Abbott Laboratories (Abbott) also responded to the
8 court's Order to Show Cause. Abbott has sufficiently demonstrated good cause for filing
9 Exhibits E and F to Docket No. 237 under seal.

10 Accordingly, the Motion [Docket No. 232] is GRANTED as to the following Exhibits to
11 Docket No. 237: B (unredacted), E and F. The Clerk shall file the specified documents under
12 seal. The motion is otherwise DENIED.

14 Motion to File Under Seal: Docket No. 277

15 KOT moved to file under seal confidential exhibits to Docket No. 275 and Docket No.
16 273 (Memorandum in Opposition to STC's Second Motion to Compel).

17 KOT withdrew its confidentiality designation as to the majority of Exhibits B and C to
18 Docket No. 275. Redacted versions of these documents were resubmitted electronically by
19 KOT, once its designation was withdrawn. However, as to the portions Exhibits B and C
20 dealing with Dr. van Moorleghem's financial information, KOT has shown good cause for filing
21 under seal. Non-Party Abbott has sufficiently demonstrated good cause for filing Exhibits D
22 and E to Docket No. 275 under seal.

23 Accordingly, the Motion [Docket No. 277] is GRANTED as to the following:

24 1. Unredacted version of Exhibits B and C to Docket No. 275
25 2. Exhibits D and E to Docket No. 275
26 The Clerk shall file the specified documents under seal. The motion is otherwise DENIED. **By**
27 **April 11, 2008, KOT shall electronically resubmit unredacted versions of Docket No. 273**
28 **and of Exhibit A to Docket No. 275.**

Motion to File Under Seal: Docket No. 395

STC moved to file exhibits A-Q and PP-TT to Docket No. 397 (Moyer Declaration in Support of STC's Motion to Compel) under seal.

KOT withdrew its confidentiality designation as to Exhibits A, C, F, G, H, I, J, M, N, O, Q, PP, QQ, and TT of Docket No. 397. These documents have been resubmitted electronically by KOT. Furthermore, KOT withdrew its confidentiality designation as to the majority of Exhibits B and E to Docket No. 397. Redacted versions of these documents were also resubmitted electronically by KOT. However, as to the portions Exhibits B and E dealing with Dr. van Moorleghem's financial information and Mr. Besselink's telephone number, KOT has shown good cause for filing under seal.

KOT has shown good cause for filing Exhibits K, L, P, RR, and SS of Docket No. 397 under seal. Non-Party Abbott has sufficiently demonstrated good cause for filing Exhibit D to Docket No. 397 under seal.

Accordingly, the Motion [Docket No. 395] is GRANTED as to the following Exhibits to Docket No. 397: B, D, E, K, L, P, RR, and SS. The Clerk shall file the specified documents under seal. The motion is otherwise DENIED.

Motion to File Under Seal: Docket No. 405

Memry Corporation moved to file exhibits 5, 7, and 12 to Docket No. 404 under seal.

KOT withdrew its confidentiality designation as to portions of Exhibits 7 and 12 to Docket No. 404. However, as to the portions Exhibits 7 and 12 dealing with the details of KOT's trade secrets or the financial terms of a KOT agreement, KOT has shown good cause for filing under seal. Redacted versions of these documents were then resubmitted electronically by KOT. As for Exhibit 5 to Docket No. 404, KOT has shown good cause for filing under seal.

Accordingly, the Motion [Docket No. 405] is GRANTED as to the following Exhibits to Docket No. 404: 5, 7 (unredacted), and 12 (unredacted). The Clerk shall file the specified documents under seal. The motion is otherwise DENIED.

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2 **Motion to File Under Seal: Docket No. 498**3 KOT moved to file under seal Docket Nos. 492, 488, 482, 493, 489, 483, and 486 (either
4 portions thereof or in their entirety).5 STC withdrew its confidentiality designation for Docket Nos. 492, 488, 482, 493 and
6 483. KOT electronically resubmitted the unredacted versions of the following documents:
7 Docket No. 492 (KOT Motion to Compel re: STC's "Reasonable Beliefs"); Docket No. 488
8 (KOT Motion to Compel re: Shell's Intellectual Property); Docket No. 482 (KOT Motion to
9 Compel re: 11/29/00 Memorandum); and, Exhibits D, E, F, G, and H to Docket No. 493.10 STC shows good cause for filing under seal Exhibit C to Docket No. 486 and Exhibits
11 D, E, G-Z, AA-RR, YY, ZZ, AAA, and BBB to Docket No. 489. (KOT also shows good cause
12 for filing XX to Docket No. 489 under seal).

13 Accordingly, the Motion [Docket No. 498] is GRANTED as to the following:

14 1. Exhibit C to Docket No. 486
15 2. Exhibits D, E, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA,
16 BB, CC, DD, EE, FF, GG, HH, II, JJ, KK, LL, MM, NN, OO, PP, QQ, RR, XX,
17 YY, ZZ, AAA, and BBB to Docket No. 489.18 The Clerk shall file the specified documents under seal. The motion is otherwise DENIED. **By**
19 **April 11, 2008, KOT shall resubmit an unredacted electronic version of Docket No. 483.**21 **Motion to File Under Seal: Docket No. 505**

22 STC moved to file confidential exhibits to Docket No. 503 under seal.

23 KOT withdrew its confidentiality designation as to Exhibit A to Docket No. 503. This
24 document was resubmitted electronically by KOT, once its designation was withdrawn. Non-
25 Party Abbott has sufficiently demonstrated good cause for filing Exhibits C, D, E, F, and G to
26 Docket No. 503 under seal.

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1 Accordingly, the Motion [Docket No. 505] is GRANTED as to the following Exhibits to
2 Docket No. 503: C, D, E, F, and G. The Clerk shall file the specified documents under seal.
3 The motion is otherwise DENIED.

4 | Motion to File Under Seal: Docket No. 536

5 STC moved to file confidential exhibits to Docket No. 542 under seal.

6 KOT withdrew its confidentiality designation as to portions of Exhibits BB and CC to
7 Docket No. 542. However, as to the portions Exhibits BB and CC dealing with financial
8 information for Dr. van Moorleghem and Mr. Shukov, KOT has shown good cause for filing
9 under seal. Redacted versions of these documents have been resubmitted electronically by
10 KOT. STC withdrew its confidentiality designation for Exhibits Z and AA to Docket No. 542
11 and electronically resubmitted those documents.

12 STC has shown good cause for filing Exhibits G, K, L, M, O, P, Q, R, T, and DD to
13 Docket No. 542.

14 Accordingly, the Motion [Docket No. 536] is GRANTED as to the following Exhibits to
15 Docket No. 542: BB (unredacted), CC (unredacted), G, K, L, M, O, P, Q, R, T, and DD. The
16 Clerk shall file the specified documents under seal. The motion is otherwise DENIED.

IT IS SO ORDERED.

21 || Dated: 3/28/08


HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE